

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVE CARLTON, *et al.*,

Plaintiffs,

v.

FRED CANNON, *et al.*,

Defendants.

No.: 4:15-cv-00012

CLASS ACTION

Chief Judge Lee H. Rosenthal

**LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, PLAN OF ALLOCATION, AND TO CERTIFY A CLASS FOR
SETTLEMENT PURPOSES**

PLEASE TAKE NOTICE that Lead Plaintiffs Dave Carlton and Sharon Kegerreis ("Lead Plaintiffs"), by and through their attorneys, individually and on behalf of all others similarly situated, will and hereby do move this Court on May 30, 2017 at 8:30 a.m., the date previously set by the Honorable Lee H. Rosenthal, Courtroom 11-B, United States District Court for the Southern District of Texas, 515 Rusk Avenue, Houston, Texas 77002 for an order: (i) finally approving the class action settlement; (ii) finally approving the plan of allocation of settlement proceeds; and (ii) finally certifying the class for settlement purposes.

This motion is based on the accompanying: (i) Memorandum of Law in Support of Lead Plaintiffs' Motion for Final Approval of Class Action Settlement, Plan of Allocation, and to Certify a Class for Settlement Purposes; (ii) Declaration of Phillip Kim in Support of Lead Plaintiffs' Motion for Final Approval of Class Action Settlement and Plan of Allocation, and Lead Plaintiffs' Motion for Award of Attorneys' Fees and Reimbursement of Expenses, and Award to Lead Plaintiffs and exhibits thereto; and (iii) the pleadings and records on file in this

action, including the Stipulation and Agreement of Settlement (the “Stipulation”)(Dkt. No. 141) and the exhibits thereto, and other such matters and argument as the Court may consider at the hearing on this motion.

Dated: April 26, 2017

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

/s/ Phillip Kim

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th of April, 2017, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Phillip Kim

Phillip Kim